IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22194 of 1995

Between:

PATRUNI SANJEEVA RAO S/O LATE UPENDRUDU
SEETHAMPETA (M), SRIKAKULUM DIST.

.....PETITIONER

AND

1 GOVT OF AP REP. BY ITS SECRETARY SOCIAL WELFARE DEPT, SECRETARIAT, HYDERABAD
2 THE AGENT TO GOVT. AND DIST. COLLECTOR SRIKAKULUM
3 DY. COLLECTOR (TRIBAL WELFARE) ELWINPETA, VIZIANAGARAM DIST.
4 THE MANDAL REVENUE OFFICER, SEETHAMPETA, SRIKAKULUM

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to ISSUE A WRIT OR ORDER OR DIRECTION MORE PARTICULARLY ONE IN THE NATURE OF WRIT OF CERTIORARI CALLING FOR THE RECORDS CONNECTED WITH THE ORDER OF THE 1ST RESPONDENT PASSED IN GO RT NO. 853 DT. 19/8/95 AND QUASH THE SAME.

Counsel for the Petitioner:MR.K.MANIKYALA RAO

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

Learned Counsel for the petitioner is not present. Heard the learned Counsel for the respondents.

The petitioner claims to be owner of Ac.0-03 cents of land in S.No.50/2 of Seethampeta village, Palakonda Taluk of Srikakulam District, having got it by her wife, namely Urvasi, towards Pasupu Kumkuma. His grievance is that the Special Deputy Collector, Tribal Welfare, under the presumption that the petitioner acquired the said land through a transfer from a member of Schedule Tribe, passed ejectment orders on 29-6-1985 under Section 3(2)(a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 59, and in the appeal preferred by him in ALTRA No.9 of 1985, the second respondent confirmed the orders of the Special Deputy Collector, and in the further Revision preferred by him, the Government by its order in G.O.R.T.No.853, Social Welfare (F) Department, dated 03.03.1986 rejected the revision petition. Aggrieved thereby, the petitioner filed the present writ petition.

Denying the allegations made in the affidavit filed in support of the writ petition, the respondents filed counter-affidavit stating that the petitioner being a non-tribal is not entitled to be in possession of the land in question, by virtue of any transfer from a member of Scheduled Tribe.

Inasmuch as it was found that the land in question was transferred to the father-in-law of the petitioner from a member of Scheduled Tribe, and he gifted it to his daughter, who is the wife of the petitioner, and also no evidence was

produced indicating date of alleged gift of lands by the father-in-law of the petitioner, no contra evidence was produced by the petitioner disproving the said fact, respondents 3, 2 and 1 had rightly ordered in their respective orders for ejectment of the petitioner from the land in question, and no exception can be taken thereto. In the circumstances, I do not see any ground to entertain the Writ petition. The writ petition has no merits and is accordingly dismissed. No costs.

25.11.2004

MRKR/KK

To

1. The Secretary, Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad.
2. The District Collector, Srikakulam.
3. The Deputy Collector (Tribal Welfare), Elwinpeta, Vizianagaram District.
4. The Mandal Revenue Officer, Seethampeta, Srikakulam.
5. Two C.Cs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)
6. Two C.D.copies.